

REMARKS

Claims 1-15 are pending. By this Amendment, Claims 16-17 are canceled without prejudice or disclaimer and the subject matter recited therein incorporated into Claims 1 and 9 herein by amendment. Therefore, Applicant respectfully submits no new material is presented herein.

Entry of Response Proper

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the amendment merely cancels Claims 16-17 and incorporates the subject matter recited therein into independent base Claims 1 and 9; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

Claims 1-15 Recite Patentable Subject Matter

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,528,969 to Tung et al. (Tung). Claims 2-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,215,273 to Shy in view of Tung and further in view of U.S. Patent Number 6,501,246 to You et al. (You). Applicant respectfully traverses both rejections.

Claim 1 recites a mobile phone charger for charging a mobile phone through a power cord adapter, including a housing unit; a receptacle disposed in the housing unit for receiving the power cord adapter, **wherein the power cord adapter is a cigarette lighter adapter**; and a power source disposed in the housing unit and electrically connected to the receptacle for electrically charging the mobile phone.

Claim 9 recites a mobile phone charger for charging a mobile phone through a power cord adapter, including a housing unit that includes a front panel and a rear panel; a receptacle disposed in the housing unit for receiving the power cord adapter, ***wherein the power cord adapter is a cigarette lighter adapter***, and a power source disposed in the housing unit and electrically connected to the receptacle for electrically charging the mobile phone, wherein the front and back panels each has partition walls to define a first chamber for housing the power source, and a second chamber for housing the receptacle.

Applicant respectfully submits that Tung, Shy and You, alone or in any combination thereof, do not disclose or suggest each and every feature recited by Claims 1 and 9 because none of the applied art of record remotely suggests the feature of the power cord adapter being a cigarette lighter adapter. In fact, as will be argued below, Applicant notes the references actually teach away from the power cord adapter being a cigarette lighter adapter.

Applicant respectfully notes that on page 3, the instant Office Action asserts that "it would have been obvious to have the power cord adapter be any type of adapters including the cigar lighter plug since it is just a design choice." Applicant respectfully

submits such a statement appears to directly contradict that which is taught by the very references applied by the Office Action in rejecting patentability of the pending claims.

It is a well known that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success **must** both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See M.P.E.P. §2143.

Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention ***where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.*** "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (emphasis added). See M.P.E.P. §2143.01.

In view of the above, Applicant respectfully submits Tung, Shy and You specifically teach away from using or otherwise incorporating therein a cigarette lighter adapter.

For example, Tung states:

Currently, the prior art chargers charge a mobile phone through a car power source, a home power source and an office power source as shown in FIGS. 6, 7, and 8. The chargers supply power through an AC power source or a **car cigar-lighter (12V 24V). The utilization is restrictive. Namely, when away from the power supplies from the car power source, home power source or office power source, the mobile phone user may not recharge his battery.**

To cause a mobile phone to be available even when the power of a battery is exhausted, in general, standby batteries are carried by users. However, it is possible that a user can not find batteries for his phone while business traveling, so that many business opportunities may be lost.

Furthermore, the charging types and specifications (voltages and pins) of current mobile phones are not identical so that the chargers are different for different types of mobile phones. As a result, inventory costs increase.

SUMMARY OF THE INVENTION

Accordingly, the primary object of the present invention is to provide a charging device of a mobile phone suitable for mobile phones of various types, wherein generally used dry batteries and a special circuit are utilized so that the charging device can be used in mobile phones of various types. (emphasis added) See Column 1, lines 13-37 of Tung.

Put simply, Tung specifically states that using cigarette lighter adapters are restrictive, and in order to avoid or overcome the alleged drawback of such a feature, discloses a charging device that uses dry batteries and specialized circuitry. As such, Applicant respectfully submit Tung fails to provide any suggestion or motivation for modifying the power cord adapter taught therein to be a cigarette lighter adapter and in

fact teaches away from such a feature being incorporated into the charging device taught by Tung.

As for Shy, Applicant notes Shy discloses a portable electrical energy source for jump starting a vehicle. Applicant respectfully submits that modifying the charger taught by Shy to include or otherwise incorporate a cigarette lighter adapter lacks logic, especially since the cigarette charger would be plugged into the outlet of the car needing to be jumped. However, the battery of the car needing to be jumped is "dead" and unable to provide power therethrough.

As for You, Applicant notes the charger (1) taught therein has a connection (2) that directly engages the receptacle (51) of the cell phone (5). The connection (2) is electrically connected to the power source (i.e., batteries (6)). You fails to teach or remotely suggest the power source of the charger is compatible or otherwise usable with a cigarette lighter adapter. Further, Applicant notes that the object of the charger (1) taught by You is to provide a portable cell phone charger that can be plugged into the cell phone at any time and any place and without having to rely on igniting or turning on the ignition of a motor vehicle. See Column 1, lines 1-45 of You. In view of the fact that You specifically teaches a charger (1) that does not require or desires using the cigarette adapter outlet in a motor vehicle in order to be operational, Applicant respectfully submits that You, like Tung, specifically teaches away from using a cigarette lighter adapter as a power cord adapter.

For the above-provided reasons, Applicant respectfully submits that Tung, shy and You fail to teach or suggest each and every feature recited by Claim 1 and 9. Furthermore and contrary to that which is asserted by the Office Action, Applicant

respectfully submits there is no motivation to replace or otherwise substitute the power cord adapter of Tung, Shy and You (if one is even taught therein) with a cigarette lighter adapter for the specific teachings therein and accordingly doing so would not be "an obvious design choice" as alleged by the Office Action, especially since each of the applied references appear to specifically teach away from implementing such a feature in the chargers taught therein.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each and every feature recited by a rejected claim. To establish *prima facie* obviousness of a rejected claim, each and every feature recited by a rejected claim must be taught or suggested in the applied art of record. M.P.E.P. §2143.03. As explained above, Tung, Shy and You, alone or in any combination, fail to disclose or suggest each and every feature recited by Claim 1 and 9. Accordingly, Applicant respectfully submits Claims 1 and 9 are not anticipated by or rendered obvious in view of Tung, Shy and You. Therefore, Applicant respectfully submits Claims 1 and 9 should be deemed allowable.

Claims 2-8 depend from Claim 1. Claims 10-15 depend from Claim 9. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claims 1 and 9 are allowable, respectively, as well as for the additional subject matter recited therein.

Applicant respectfully requests withdrawal of both rejections.

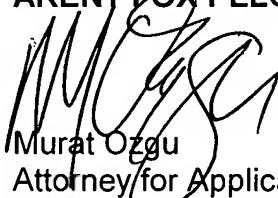
Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 017197-00001**.

Respectfully submitted,
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Enclosure: Petition for Extension of Time